

EXHIBIT 5

State of Washington)
) ss
County of Ferry)

1 I, JEAN BOOHER, County Clerk and Ex-Officio Clerk of
2 the Superior Court of the State of Washington, for Ferry County,
3 holding session at Republic, do hereby certify that the foregoing
4 is a true and correct copy of the original as the same appears on
5 file and of record in my office. IN WITNESS WHEREOF I have
6 hereunto set my hand and affixed the seal of said Court this
7 9th day of July 2012

8 JEAN BOOHER
9 County Clerk, Ferry County, State of Washington
10 By Chris Bruno Deputy

The Honorable Allen Nielson
Hearing Date: June 8, 2012
Hearing Time: 10:00 a.m.
Ferry County

FILED CLERKS OFFICE
FERRY COUNTY

MAY 18 2012
12:46 PM
JEAN BOOHER

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF FERRY

10 JOSEPH A. CONNOR, III,

11 Plaintiffs,

12 v.

13 GMAC MORTGAGE, LLC, et. al.

14 Defendants.

15 Case No. 11-2-00098-6

16 (Proposed) ORDER RE PLAINTIFF'S
17 MOTION FOR LIS PENDENS AND
18 DEFENDANTS' MOTION FOR
19 SANCTIONS RE MOTION FOR LIS
20 PENDENS

21 On April 27, 2012, plaintiff's Motion to Allow Placement of Lis Pendens and
22 defendants' CR 11 Motion for Sanctions relating to plaintiff's motion came before the
23 court. Defendants were represented by and appeared through their counsel, William G.
24 Fig. Plaintiff did not appear at the hearing. The court, having heard the oral argument
25 of defendants' counsel, being fully advised, and having considered the following
26 pleadings:

- 27 1. Plaintiff's Amended Complaint;
- 28 2. Plaintiff's Motion for Allowance of Placement of Lis Pendens;
- 29 3. Defendants' Response to plaintiff's Motion;

30 ///

31 ///

32 ORDER RE MOTION TO ALLOW PLACEMENT OF LIS
33 PENDENS AND MOTION FOR SANCTIONS - Page 1

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PORTLAND, OREGON 97205-3089
TELEPHONE (503) 227-1111
FACSIMILE (503) 246-0130

1 4. The Declaration of William G. Fig filed in support of Defendants' Response
2 to plaintiff's Motion and in support of Defendants' CR 11 Motion for
3 Sanctions and the exhibits attached thereto; and
4 5. Plaintiff's Supplemental Brief in Support of his Motion to Allow Placement
5 of Lis Pendens and the attachment thereto
6 hereby ORDERS, ADJUDGES AND DECREES as follows:

7 (1) plaintiff's Motion to Allow Placement of Lis Pendens is DENIED. A lis
8 pendens is not proper in this case because plaintiff's Amended Complaint does not
9 contain any claim asserting any interest in, or affecting the title to, the property that is
10 the subject of the lis pendens. See RCW 4.28.320.

11 (2) defendants' Motion for Sanctions against plaintiff under CR 11 is GRANTED.
12 Defendants' counsel advised plaintiff, in writing, both before and after the filing of the
13 motion, that plaintiff's motion was improper and not supported by Washington law.
14 Plaintiff refused defendants' request to withdraw his motion. The court finds that
15 plaintiff's Motion to Allow the Placement of Lis Pendens was not well grounded in fact
16 and was not warranted by existing law or a good faith argument for the extension,
17 modification, or reversal of existing law or the establishment of new law and, therefore,
18 violated CR 11. Defendants are awarded sanctions against plaintiff in the amount of
19 \$1,500.00, defendants' reasonable costs incurred in responding to plaintiff's Motion.

20 Dated this 18th day of May, 2012.

21 _____
22 Presented In Open Court By:
23 _____
24 SUSSMAN SHANK LLP
25 _____
26 By /s/ William G. Fig
 William G. Fig, WSBA 33943
 billf@sussmanshank.com
 Attorneys for Defendants

Superior Court Judge
Allen C. Nielson

1 CERTIFICATE OF SERVICE

2 THE UNDERSIGNED certifies:

3 1. My name is Karen D. Muir. I am a citizen of Washington County, state of
4 Oregon, over the age of eighteen (18) years and not a party to this action.

5 2. On May 1, 2012, I caused to be delivered via first-class U.S. Mail, postage
6 prepaid, and email a copy of: **(PROPOSED) ORDER RE PLAINTIFF'S MOTION FOR**
LIS PENDENS AND DEFENDANTS' MOTION FOR SANCTIONS RE MOTION FOR
LIS PENDENS to the interested parties of record, addressed as follows:

9 Joseph A. Connor III
10 1616 Liholiho Street #1502
11 Honolulu, HI 96822
12 Email: jacConnor3@netzero.net

13 I SWEAR UNDER PENALTY OF PERJURY that the foregoing is true and correct
14 to the best of my knowledge, information, and belief.

15 _____
16 /s/ *Karen D. Muir*
17 Karen D. Muir, Legal Assistant